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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,223	08/13/2001	Eric Aubertin	1918/41	2133

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,223

Applicant(s)

AUBERTIN ET AL.

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33,34,36,37,40-55,57,58 and 60-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33,34,36,37,40-55,57,58 and 60-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group II, claims 33-34, 36-37, 40-53, 54-55, 57-58 and 60-72, 73, 74, 75, 76 and 77 in the reply filed on 6/30/06 is acknowledged. Claims 1-32, 35, 38-39, 56, 59-60 were cancelled.

Response to Amendment

1. The amendment filed 2/9/06 is entered. The objection to new matter is removed due to applicant's argument of 6/30/06 that the examiner's assumption has no support or is not recited in the body of the claim.

Claim Rejections - 35 USC § 112

2. Claim 77 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The last step is unclear since it's not clear who receives the contribution from the donor and how is it carried out? Also, what is the relationship of the last step to the two steps above?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 33-34, 36-37, 40-53, 54, 55, 57-58, 61-72, 73, 74, 75, 76, and 77 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over COSTIN, IV et al.

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As for independent method claims 33, 73, COSTIN, IV et al discloses a method for conducting a fundraising campaign by an organization (option over person) over a wide-area network, comprising the steps of {see [0007, 0008, 0010]} :

a) hosting a website including plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign {see Figs. 10, 11, 12};

b) registering on the website {inherently included in Figs. 8, 9, 10, [0018, 0019, 0087], which show conducting several different fundraising campaigns};

c) contacting 3rd parties, via e-mail messages, soliciting charitable donations {see [0007, 0010]};

d) providing one or more reports, on the website, including information on the status of fundraising campaign {see Fig. 12}.

Alternatively, the use of other fundraising parameters or embodiments, for example, registering donor, giver, donor's friend, etc. on the website, are within the skill of the artisan and would have been obvious as taught in [0017-0019, 0087] of COSTIN, IV et al.

As for dep. claim 34 (part of 33 above), which deals with well known fundraising parameters, i.e. making a donation, this is taught in Fig. 10 or 11 or 14.

As for dep. claims 36, 37, 48 (part of 33 above), which deals with well known fundraising parameters, i.e. providing information about campaign status, campaign data, people/organization involved in the fundraising campaign, tax, etc., these are

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taught in [0015, 0063, 0072, 0073, Fig. 23]. Alternatively, the reporting of any other information would have been in view of the teachings if desired.

As for dep. claims 40-44 (part of 33 above), which deals with well known fundraising parameters, i.e. types of campaign or campaign features/parameters, i.e. includes an athletic event, etc, these are taught in Fig. 8, [0063, 0066]. Alternatively, the selection of any other desired event or types of events varies with personal taste, community, location, time, etc., and would have been in view of the teachings if desired.

As for dep. claims 45-47 (part of 33 above), which deals with well known fundraising parameters, i.e. personalized donation pages with links to the main page or vice versa, these are taught in Figs. 3-11, [0010, 0012-0014].

As for dep. claim 49 (part of 33 above), which deals with well known communication network parameters, i.e. wide-area network is the Internet, this is taught in Fig. 1a, [0003, 0061].

As for dep. claims 50-52 (part of 33 above), which deals with well known fundraising parameters, i.e. type of organization, these are non-essential to the scope of the claimed invention and are taught in [0012-0014].

As for dep. claim 53 (part of 33 above), which carries no patentable weight since this is optional in view of claim 1 above. Moreover, it would have been obvious to use person to conduct a campaign which is normally called a campaign manager if desired. The use of a campaign manager is well known and would have been obvious to implement in here if desired.

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As for independent system¹ claim 54, which is the system to carry out the method of claim 33 above, it's rejected over the system of COSTIN, IV et al to carry out the method claim as cited in claim 33 above.

As for dep. claims 55, 57-58, 61-72 (part of 54 above), 72, which have the same limitations as dep. claims 34-37, 40-53 above, they are rejected for the same reasons set forth in dep. claims 34-37, 40-53 cited above.

As for independent product¹ claim 74, which is the program product to carry out the method of claim 73 above, it's rejected over the program product of COSTIN, IV et al to carry out the method claim as cited in claim 73 above.

As for independent claims 75, and 77 which have the same limitations as in independent claim 33 and dep. claims 45-47 above, they are rejected for the same reasons set forth in the rejections of claims 45-47 and claim 33 above. In other word, the limitation of a "personalized web page" is taught in [0010 "*setting a personalized campaign page*"] and/or [0009 "*a link to a campaign web page*"] or in [0009-0010].

As for independent system³ claim 76, which is the system to carry out the method of claim 75 above, it's rejected over the system of COSTIN, IV et al to carry out the method claim as cited in claim 75 or 33 above.

Response to Arguments

Declaration 1.131

The Declaration filed on 2/9/06 has been reviewed and they are defective for the following reasons:

1) There is no date on the promotional flyer to indicate that it was generated by the assignee of the present application and submitted to prospective customers prior to March 24, 2000. The only date shown in a related trademarks of Blockbuster Inc. 1999 for BlockBuster card. Applicants can submit the following alternatives:

1) a receipt/statement from the Printer indicated that the flyer was made prior to March of 2000.

2) a document from BlockBuster indicated the use of the Trademark on the flyer and the generation of the flyer prior to March of 2000.

3) Documents/notebooks/notes with actual evidences of steps for carrying out the claimed invention, claims 33-34, 36-37, 40-53, 54, 55, 57-58, 61-72, 73, 74, 75, 76, and 77 prior to March of 2000, are required.

2) On the promotional flyer, there is a picture of a Fundraising campaign, "ONLINE FUNDRAISING SOLUTION". However, the picture is so small and not readable.

1) There is no date on the screen picture.

2) It's not clear whether there is support for "donating money".

3) It's not positive whether the web page is working or not or mere a printed copy or a potential web page.

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4) The promotional flyer is not accepted for the reasons set forth above.

Documents/notebooks/notes with actual evidences of steps for carrying out the claimed invention, claims 33-34, 36-37, 40-53, 54, 55, 57-58, 61-72, 73, 74, 75, 76, and 77 prior to March of 2000, are required.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) The Article "what's Ahead for Telemarketing" in Fundraising Management magazine, page 75, left hand column, teaches the concept of creating a personal donation campaign "My Campaign" so the campaign can be much more intimate which both increases the cost of the campaign, but more dramatically increases the loyalty of,

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and total giving from the donors instead of the general "please send money" appeal. It would have been obvious to implement this teaching into the teachings of COSTIN, IV et al to increase the donation effectiveness if needed to improve intimacy if needed even though this "personalized campaign page" has been taught in COSTIN on [0009 "*campaign web page*"] and [0010 "*setting a personalized campaign page*"].

No claims are allowed.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

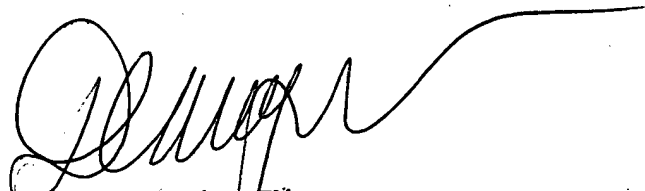
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
September 18, 2006



DEAN T. NGUYEN
PRIMARY EXAMINER